

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Robin GUSTIN et al. Docket No: P69352
Appln. No. : 10/699,978 Group Art Unit: 3692
Filed : November 3, 2003 Examiner: Nga B. NGUYEN
Confirmation No.: 5034
For : AUTOMATED BANKING SYSTEM FOR DISPENSING MONEY ORDERS, WIRE TRANSFER AND BILL PAYMENT

ELECTION WITH TRAVERSE

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir:

In reply to the outstanding Office Action mailed October 9, 2007, reconsideration of the above-identified patent application is respectfully requested in view of the remarks on the pages that follow.

This Response is being timely filed since the Office Action sets a one-month shortened statutory period not expiring until November 9, 2007. Applicant respectfully petitions for five-month extension of time enclosing the fee herein, making the Response due on April 9, 2008. The Patent and Trademark Office is hereby authorized to charge any fees in connection therewith or any fees necessary to preserve the pendency of this application or credit any overpayment to deposit account No. 50-2929, making reference to Attorney Docket No. P69352.

In the Official Action of October 9, 2007, the Examiner indicated that all claims (1-33) were subject to restriction under 35 U.S.C. § 121. The Examiner indicated that the inventions were patentably distinct and were restrictable as between the invention of Group I, including claims 1-7, drawn to a banking machine for performing cash transaction, classified in class 705, subclass 43, Group II, including claims 8-15 and 21-28, drawn to a banking machine for performing wire transfer of funds to a transferee, classified in class 705, subclass 43, and Group III, including claims 16-20 and 29-33, drawn to a banking machine for paying bills through a bills payment network, classified in class 705, subclass 43.

Applicant herein elects Group II, claims 8-15 and 21-28, with traverse.

The Examiner asserted that the inventions are distinct but related as a combination and subcombination under M.P.E.P. § 806.05(c).

Applicant submits that even if the groups are related as a combination and subcombination, the search for one group would overlap the search for another group such that there is no serious burden on the Examiner to examine both groups.

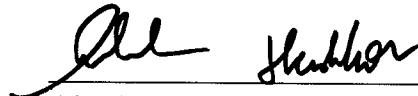
In particular, the Examiner has not shown that a concurrent examination of these groups would present a serious burden on the Examiner. In fact, while the Examiner has noted that the individual groups have a divergent subject matter, there is no appropriate statement that the search areas required to examine the invention of Group I would not overlap into the search areas for examining the invention of Groups II and III, and vice versa. Further, the Examiner noted that all of the groups are classified in the same class and subclass. Applicant respectfully submits that the search for the combination of features recited in the claims of the above-noted groups, if

not totally co-extensive, would appear to have a very substantial degree of overlap. Because the search for each group of invention is substantially the same, Applicant submits that no undue or serious burden would be presented in concurrently examining Groups I, II and III. Thus, for the above-noted reasons, and consistent with the Office policy set forth above in M.P.E.P. § 803, Applicants respectfully request that the Examiner reconsider and withdraw the restriction requirement in this application.

For all of the above reasons, the Examiner's restriction requirement is believed to be improper. Nevertheless, Applicant has elected, with traverse, the invention defined in Group II, in the event that the Examiner chooses not to reconsider and withdraw the restriction requirement.

Should the Examiner have any questions or comments regarding this matter, the undersigned may be contacted at the below-listed telephone number.

Respectfully submitted,
Robin GUSTIN et al.



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